MONTANA LEGISLATIVE HISTORY

Chapter 74 1974

Bill H _____ S 704 Original bill & history ___C

H. Committee on Labor + Employment

Hearing Date(s) 2-22 ___C

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Date Out 2-22 ___C

S. Committee on Labor + Employment Relations

Hearing Date(s) 2-4 ___C

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DATE OUT 2-4 ___C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

FORTY-THIRD LEGISLATIVE SESSION

COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
SB 48	1/9	1-16,1-18, 1-21,1-21	1/23			1/23			
SB 99	1/9								
SB 298	1/9								
SB 378		Referred to Judiciary							
SB 409	1/9								
SB 489	1/8	1-23, 2-4	2/4			2/4			
SB 497	1/8	2-13							
SB 544	1/11	1-23,2-4	2/4			2/4			
SB 555	1/14	1-23, 1-25	1/25	1/25					
SB 635	1/17	1-25, 2-4	2/4		2/4				
SB 642	1/17	1-25, 1-23, 2-6	2/6			2/6			
SB 647	1/17	1-25, 1-30	1/30		1/30				
SB 679	1/30	2-4, 2-18		2-18					
SB 695	1/18	1-30, 2-1	2/1		2/1				
SB 699	1/18	1-30							
SB 702	1/18	1-28, 1-30, 2/1	2/1			2/1			
SB 704	1/30	2-4	2/4	2/4					

(Use Separate Sheet for Senate, House Bills, and Resolutions)

MINUTES OF THE MEETING
LABOR AND EMPLOYMENT RELATIONS COMMITTEE
MONTANA STATE SENATE

February 4, 1974

The meeting of the Labor and Employment Relations Committee was called to order by Chairman Siderius on the above date in Room 402 of the State Capitol Building at 8:30 a.m.

ROLL CALL: All members present with Senators Flynn, Keenan and Bennett being excused.

CONSIDERATION OF SENATE BILL 704: Senator Moritz presented his bill to the Committee. He also introduced William Scribner, representing the Montana Contractor's Association. This bill is simply a clarification. It makes it clear that a non-resident contractor cannot avail himself of the 3% preference.

No opponents were present at the hearing.

DISCUSSION OF SENATE BILL 704: A short discussion was held concerning this bill. No committee members were opposed.

DISPOSITION OF SENATE BILL 704: Senator Lowe moved SB 704 DO PASS, seconded by Senator Bertsche. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION OF SENATE BILL 679: Senator Moore and Senator Turnage appeared in favor of this bill. Mrs. Josephine Driscoll, Department of Insurance, stated that there used to be a $10,000 limit and a 5 year limit on time. The $10,000 has been deleted and the 5 year limit has been changed to 10 years; this was done in the last 8 years or so. Senator Bertsche thinks the 10 years has to be deleted, as it is in this bill, because such things as mobile homes are now financed for more than 10 years.

Senator Siderius asked if we could perhaps make this too stringent? Senator Turnage stated that this is such a lucrative business that he didn't think any of the companies would leave the state!

Senator Moore stated that if the Committee felt this bill had some merit, he and Senator Turnage would work on some amendments relative to inserting a limit, and report back to the committee at a later date.

CONSIDERATION OF SENATE BILL 489: Senator Hazelbaker appeared before the committee with a prepared amendment to SB 489. He also presented a letter that is being sent to small corporations. (attached). The division of workmen's compensation had prepared some proposed regulations but Senator Hazelbaker felt that it should be spelled out in the law. (See committee report for amendment).

CONSIDERATION OF SENATE BILL 544: Senator Hazelbaker appeared with amendments to SB 544. (See committee report).

DISPOSITION OF SENATE BILL 544: Senator Lowe moved the amendments to SB 544, be adopted, seconded by Senator Himsl. MOTION CARRIED UNANIMOUSLY, with Senators Flynn, Keenan and Bennett excused.

Senator Lowe moved that SB 544 DO PASS AS AMENDED, seconded

LABOR & EMPLOYMENT COMMITTEE

43rd Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
SB 704	Define "resident" under the Public Contractors' Preference Law, etc.	2/11/74	Moritz	2/22/74	BE CONCURRED IN	2/22/74
SB 642	Relating to benefit reductions under Workmen's Compensation.	2/14/74	Siderius	2/22/74	BE CONCURRED IN AS AMENDED	3/6/74
HR 82	Workmen's Compensation compile a detailed study of the number & ages of unmarried spouses of deceased silicotics in Montana & cost estim.	3/12/74	Bell	3/13/74	BE ADOPTED	3/13/74
HR 80	Workmen's Compensation conduct a study of possibility of granting silicosis benefit to surviving spouses of deceased indivi who have received it	3/12/74	Healy	3/13/74	BE ADOPTED	3/13/74
SJR 70	Select committee of Senate and House study all aspects of WC Act, draft proposed legislation and report findings to 44th Legislature.	3/13/74	Siderius	3/13/74	BE ADOPTED	3/13/74

February 22, 1974

LABOR AND EXPLOYMENT RELATIONS COMMITTEE PROCEEDINGS:

A meeting of the Labor and Employment Relations Committee was held on February 22, 1974, at 10:30 a.m. in Room 428A with Chairman Pat McKittrick presiding. All members were present, except Reps. Lombardi and Tierney, who were excused.

SENATE BILL #489 -- SPONSOR: Sen. Frank Hazelbaker. He said that on July 1, 1973, all employees were put under industrial accident insurance. He said the language at the end of the bill is to take care of a situation that has happened in western Montana, where the logging industry rates are very high, and some of the employees have become members of a corporation, which excludes them from coverage under the Workmen's Compensation Division. Sen. Hazelbaker said that since the bill has been introduced, four different sets of proposed rules promulgated by the WCD have been drafted. Mr. Everett Snortland, Montana Farm Bureau, also spoke in support. OPPOSITION: Mr. Larry Zanto, WCD administrator, said he objected to the bill. He said he agreed with Sen. Hazelbaker concerning subsection (4), which attempts to address the problem of a person who claims he is an officer of a corporation, but in reality is not. The problem is one of enforcement. Mr. Jim Murry, AFL-CIO, said he was concerned about the enforcement of this change in law, and he realized that it was a legitimate problem.

SENATE BILL #642 -- SPONSOR? Sen. George Siderius. This bill eliminates the social security offset against the Workmen's Compensation Division benefits under Montana laws. Mr. Zanto, WCD administrator, spoke in support. He said this bill does the same thing as HB #1099 with regard to removing the offset. Mr. Jim Murry, AFL-CIO, said he had a question regarding the effective date of the act. The old act took effect on July 1, 1973, and if this one goes into effect as provided for in this bill and HB #1099, legislation will take effect on July 1, 1974. Anyone who becomes a widow between the two bills could receive less money than under the old act. He felt it was important to make the act effective immediately. The committee decided to draft a letter to the Attorney General's office clarifying the legal issues. Letter is attached.

SENATE BILL #704 -- SPONSOR: Sen. Earl Moritz. This bill attempts to correct a situation with respect to merchandise or manufactured goods made in Montana with the 3 percent preference given to Montana contractors. Mr. William Scribner, attorney, Montana Contractors Association, and Mr. Jack Marlowe, manager, Montana Contractors Association, were present. This bill clarifies the intent of the law. The bill arose when an award had originally been given to a non-resident contractor. He was given the award on the condition that he would use Montana products and Montana labor.

Witnesses were excused, and the following action was taken.

SENATE BILL #704 -- Rep. Flynn moved that SENATE BILL #704 BE CONCURRED IN. Rep. Kimble seconded. Motion carried unanimously.

SENATE BILL #642 -- Action will be deferred until we receive an answer from the Attorney General.

SENATE BILL #489 -- Rep. Flynn moved that SENATE BILL #489 BE CONCURRED IN. Rep. Flynn changed his motion to amend the bill on page 1 in the title on lines 7, 8, and 9, by omitting the material "REMOVING THE

Be it enacted by the Legislature of the State of Montana:

Section 1. There is a new section to be numbered 16-1031.1, R.C.M. 1947, which reads as follows:

16-1031.1. **Reestablishment of garbage and ash collection districts.** Any county that had created a garbage and ash collection district pursuant to the provisions of Section 16-1031, R.C.M. 1947, prior to the repeal of said section, may continue to operate a garbage and ash collection district pursuant to this act.

Section 2. There is a new section to be numbered 16-1031.2, R.C.M. 1947, which reads as follows:

16-1031.2. **Garbage and ash collection districts — special assessments.** The board of county commissioners has jurisdiction and power under such limitations and restrictions as are prescribed by law: To create, abolish and change garbage and ash collection districts in thickly settled areas outside of the limits of incorporated cities and towns. Such districts shall be created under rules to be promulgated by said board, which rules shall provide for petition on the part of a majority of taxpayers residing within such areas, for the survey of proposed districts by the county health officer as to boundaries and methods for disposal of garbage and ashes within such districts. When such a district has been created under the authority of this section the county commissioners shall be authorized and empowered to provide for the maintenance and support thereof and for the purchase or leasing of land necessary for such purpose. The county commissioners may provide for the collection and disposal of garbage and ashes for such districts by entering into contracts with individual contractors or firms to perform such services under a system of rates approved by the commissioners. Such rates shall be applied on a fair and equal basis to all persons utilizing such garbage collection service within a district and all rates so established shall be in relation to the amount and matter of collection and disposal service provided to the various types of customers within a district; provided, however, that in no event shall any fee exceed the amount of three dollars ($3) per month for a family residential unit. The board of county commissioners may collect the funds necessary to operate said district as herein provided by placing a special assessment on the owners of the real property benefited by such service, and shall collect the same with the general taxes, and such special assessment shall be a lien on said property so assessed.

Approved March 4, 1974

CHAPTER NO. 74

AN ACT TO AMEND SECTION 82-1925, R.C.M. 1947, DEFINING THE WORD "RESIDENT" UNDER THE PUBLIC CONTRACTORS' PREFERENCE LAW; PROVIDING THAT SUPPLIERS WHOSE OFFERED MATERIALS ARE MANUFACTURED OR PRODUCED IN MONTANA WITH MONTANA LABOR SHALL BE DEEMED TO BE RESIDENTS.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 82-1925, R.C.M. 1947, is amended to read as follows:

"82-1925. **Residence defined — domestic corporations.** For the purpose of this act the word "resident" shall include actual residence of an individual within this state for a period of more than one (1) year immediately prior to bidding; in a partnership enterprise or an association, the majority of all partners or association members shall have been actual residents of the state of Montana for more than one (1) year immediately prior to bidding; domestic corporations organized under the laws of the state of Montana are prima facie eligible to bid as residents but this qualification may be set aside and a successful bid disallowed where it is shown to the satisfaction of the board, commission, officer or individual charged with the responsibility for the execution of such contract that said corporation is a wholly owned subsidiary of a foreign corporation or that said corporation was formed for the purpose of circumventing the provisions of this act relating to residence. Notwithstanding the foregoing, any *bidder on a contract for purchase of products, materials, supplies or equipment, whether an* individual, partnership or corporation, foreign or domestic and regardless of ownership thereof, whose offered materials, supplies or equipment are manufactured or produced in this state by industry located in Montana and Montana labor shall be deemed to be a resident for the purpose of this act."

Approved March 4, 1974

CHAPTER NO. 75

AN ACT PERMITTING COUNTIES TO INCREASE EXPENDITURES FOR THE PURPOSE OF MAINTAINING COUNTY PARKS; AMENDING SECTION 62-102, R.C.M. 1947; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 62-102, R.C.M. 1947, is amended to read as follows:

"62-102. **Use of land — limitation of expenditures.** All tracts of land acquired under this act shall be set aside and used exclusively for public camping and recreational purposes, and each park so established shall be given an appropriate name or number. Except as otherwise provided by law, there are no restrictions on expenditures for the purpose of acquiring, *maintaining* and equipping county parks."